

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 21, 2000**

**DIVISION ONE**

B139451     Shaffery  
              v.  
              Wilson, Elser, Moskowitz, etc.

Filed order denying petition for rehearing.

B131083     Richard M. Ortega                (Certified for Publication)  
              v.  
              K-Mart, Inc.

The judgment in favor of plaintiff is affirmed.

Ortega, J.

I concur:     Vogel (Miriam A.), J.  
I concur in judgment only: Spencer, P.J.

B131202     People v. Woods et al.  
B136176     In re Walter E. Woods on Habeas Corpus.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B131202     People  
              v.  
              Arnold et al.

Filed order denying petition for rehearing.

DIVISION TWO

B140278      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Michael W.

The petition for writ of mandate is granted, and the matter is remanded for further proceedings consistent with this opinion.

Mallano, J. (Assigned)

We concur:    Boren, P.J.  
                  Nott, J.

B129191      Chris-Craft Industries, Inc.      (Not for Publication)  
v.  
Hartford Accident and Indemnity Company

The order under review is affirmed. Chris-Craft is entitled to costs on appeal.

Boren, P.J.

We concur:    Nott, J.  
                  Mallano, J. (Assigned)

DIVISION THREE

B140584      Ziman et al.      (Not for Publication)  
v.  
City of Beverly Hills et al.

The judgment is affirmed. City shall recover its costs on appeal.

Croskey, J.

We concur:    Klein, P.J.  
                  Aldrich, J.

DIVISION THREE (Continued)

B130398      Deep Sea Research, Inc.      (Not for Publication)  
                 v.  
                 Knight

The order is affirmed. Deep Sea shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
                 Kitching, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Curry, J. and V. Guzman, Deputy Clerk.

B129616      Smith  
                 v.  
                 Smith

Merits:  
Argued by Thomas C. Brayton for appellant and by Kenneth S. Davis for respondent. Cause submitted.

B134662      People  
                 v.  
                 Guisa

Merits:  
Argued by Philip M. Brooks for appellant and by Russell A. Lehman, deputy attorney general, for respondent. Supplemental letter briefing is requested. Appellant and respondent shall have 10 days from this date to file letter briefs. Cause to be submitted upon filing of letter briefs.

DIVISION FOUR (Continued)

B136421      Golden Day Schools  
                 v.  
                 State of California

Merits:  
Argued by James P. Clark for appellant and by Joanne Lowe for  
respondent. Cause submitted.

B124477      Evans and Lewis  
                 v.  
                 Whitney

Merits:  
Argued by Lucille Evans in propria persona for appellants and by Michael  
J. Coppess for respondent. Cause submitted.

B132317      Baxter Healthcare Corporation et al.  
                 v.  
                 California Insurance Guarantee Association

Merits:  
Argued by Carl W. Shapiro for appellants and by G. Guerry Collins for  
respondent. Cause submitted.

B136917      Ruscigno  
                 v.  
                 American National Can Company, Inc.

Merits:  
Argued by Raymond C. Dion for appellant and David L. Bacon for  
respondent. Cause submitted.

DIVISION FOUR (Continued)

B109748     McKinney-Brown  
              v.  
              Blakemore

Merits:

Argued by Shelly Jay Shafron for appellant and by Aton Arbisser for respondents. Cause submitted.

Each of the following:

B135304 People v. Broadnax  
B136518 People v. Hernandez  
B133998 In re Williams on Habeas Corpus  
B141654 Terrance S. v. S.C.L.A. (D.C.F.S.)

Argument waived, cause submitted.

Court in recess.

Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Curry, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B137704 D.C.F.S. v. Donna V.  
B128099 People v. Hoffman and Rudd  
B135546 People v. Rodabaugh  
B137615 People v. Morales  
B134014 People v. Lopez  
B134642 People v. Martez D.

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B134585     People  
              v.  
              Wallace

Merits:

Argued by Susan K. Keiser for appellant and by Lance E. Winters, deputy attorney general, for respondent. Cause submitted.

B136755     Hoffman  
              v.  
              Harmony Pictures

Merits:

Argued by Robert S. Scuderi for appellant and by Linda T. Pierce for respondent. Cause submitted.

B128997     County of Los Angeles  
              v.  
              Jackson

Merits:

Argued by Stanley S. Delnick for appellant and by Susan E. Skelding for respondent. Cause submitted.

B137765     Quackenbush  
              v.  
              American National Insurance Company

Merits:

Argued by James J. Moak for appellant and by Robert H. Nunnally Jr. for respondent. Cause submitted.

## DIVISION FOUR (Continued)

B128796      Smith  
v.  
Burbank Media Center

Merits:  
Argued by Odalis C. Suarez for appellant and by Russell W. Schatz for respondent. Cause submitted.

B137746      Martino  
v.  
Kierman

Merits:  
Argued by Steven W. Murray for appellant and by Ronald E. Mallen for respondents. Cause submitted.

Court adjourned.

B117017      Conservatorship of Joseph Charles Ash  
v.  
Ash

Filed order denying petition for rehearing.

DIVISION FIVE

B137038      People      (Certified for Publication)  
v.  
Phillip Marshall

The judgment is affirmed.

Turner, P.J.

We concur:   Armstrong, J.  
                      Godoy Perez, J.

August 21, 2000-Continued

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

[illegible]

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B135660 People (Not for Publication)  
v.  
Jones

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.  
Coffee, J.



## DIVISION SIX (Continued)

[illegible]

The March 18, 1999, order directing the trustee to distribute the real property sale proceeds to Church as the residuary beneficiary is reversed. On remand, the trial court is directed to enter a new order instructing the trustee to distribute the proceeds from the sale of the real property to Bluit and Church in equal shares. Bluit is awarded costs on appeal.

Yegan, J.

I concur: Gilbert, P.J.  
I dissent: Perren, J. (Opinion)

B137296      Aparicio et al.      (Not for Publication)  
v.  
Cisneros et al.

The judgment (order) is affirmed. Costs on appeal are awarded to respondents.

Gilbert, P.J.

We concur: Yegan, J.  
Perren, J.

B133974 People (Not for Publication)  
v.  
Muse

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

August 21, 2000-Continued

DIVISION SIX (Continued)

B136252      People                          (Not for Publication)  
v.  
Mena

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

B138914 People (Not for Publication)  
v.  
Moss

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

B134987 People (Not for Publication)  
v.  
Tinoco

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.

August 21, 2000-Continued

## DIVISION SIX (Continued)

B130959      People                                  (Certified for Partial Publication)  
v.  
Harris et al.

Harris's abstract of judgment shall be amended to reflect the sentence orally pronounced by the trial court. In all other respects, the judgments against Harris and Phillips are affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B136761      Suministros Medicos      (Not for Publication)  
v.  
Mentor Corp.

The judgment is affirmed with costs to Mentor.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B137497 People (Not for Publication)  
v.  
Victor

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

August 21, 2000-Continued

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

B138696 People (Not for Publication)  
v.  
Sullivan

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.  
Neal, J.

B131166 People (Not for Publication)  
v.  
Knighton et al.

The judgments are affirmed.

Woods, J.

We concur:   Lillie, P.J.  
                      Johnson, J.

August 21, 2000-Continued

DIVISION SEVEN (Continued)

B132871 People v. Beltran (Not for Publication)

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

B138673      In re Walley Patterson      (Not for Publication)  
on  
Habeas Corpus

The petition for a writ of habeas corpus is denied.

Neal, J.

We concur: Johnson, Acting P.J.  
Woods, J.

B136910 People (Not for Publication)  
v.  
Derrick K.  
In re Derrick K., a Minor Coming Under the Juvenile Court Law.

The case is remanded for further proceedings as specified above.

Neal, J.

We concur: Lillie, P.J.  
Woods, J.

DIVISION SEVEN (Continued)

B129215      Sankyu U.S.A., Inc.                      (Not for Publication)

v.

Landmark Insurance Co., et al.  
Triwest Insurance Services, Inc.

The judgment is affirmed. Respondents shall recover their costs on appeal.

Neal, J.

We concur:   Johnson, Acting P.J.  
                     Woods, J.

B128058      Cruz    (Certified for Publication)

v.

Homebase et al.

That portion of the judgment awarding punitive damages is reversed; the remainder of the judgment is affirmed. The parties shall bear their own costs on appeal.

Neal, J.

We concur:   Lillie, P.J.  
                     Woods, J.

B141249      Benny F.                                        (Not for Publication)

v.

Superior Court, Los Angeles County  
(Los Angeles County, D.C.F.S., r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Woods, J.

We concur:   Lillie, P.J.  
                     Johnson, J.

DIVISION SEVEN (Continued)

B138955      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
Phenechia W.  
In re Tracey B., a Person Coming Under the Juvenile Court Law.

The order of the juvenile court is affirmed.

Woods, J.

We concur: Lillie, P.J.  
Johnson, J.

B132863      Montes      (Not for Publication)  
v.  
Carnival Cruise Lines, Inc.

The order of dismissal is affirmed. Costs on appeal to respondent

Woods, J.

I concur: Neal, J.  
I dissent: Johnson, Acting P.J. (Opinion)

B121588      Saleh      (Not for Publication)  
v.  
County of Los Angeles et al.

The portion of the judgment in favor of defendants on the defamation cause of action is affirmed. The judgment is reversed as to the portion in favor of plaintiff and against the County, Hoagland and Ornee on the retaliation cause of action with directions to the superior court to enter judgment in favor of all defendants on both causes of action. Defendants recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.  
Neal, J.

## DIVISION SEVEN (Continued)

B127433      Ligocki                                  (Not for Publication)  
v.  
Walt Disney Imagineering et al.

The judgment is reversed. Appellant is awarded costs on appeal.

Johnson, Acting P.J.

I concur: Neal, J.  
I concur in the judgment only: Woods, J.

B130572      Hervatin      (Not for Publication)  
v.  
Knickerbocker et al.

The judgment for defendants is reversed and the cause is remanded to the trial court with directions to vacate its order sustaining defendants' demurrers to all causes of action and to issue a new order sustaining the demurrers without leave to amend as to the causes of action for fraud, negligence, and negligent infliction of emotional distress and overruling the demurrers to all other causes of action. Each party to bear its own costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.  
Neal, J.

B132800      O'Brien      (Not for Publication)  
v.  
Dentsply International, Inc., et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.